

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF <u>Shelter Island Yachtways, a California Limited Partnership dba Shelter Island Boatyard</u>	COURT CASE NUMBER <u>07 CV 2015 DMS WMC</u>
DEFENDANT <u>MY SUNDANCE, Official No. 521498, a Hatteras motor yacht of approx. 33 Feet in Length and 12 Feet in Beam, and all her engines, tackle, accessories, etc. in rem</u>	TYPE OF PROCESS <u>In Rem</u>
SERVE <u>NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN</u> <u>my Sundance, Official No. 521498, a Hatteras motor yacht of approx. 33 Feet in Length and 12 Feet in Beam and all her engines, tackle, accessories, etc. in rem</u>	
AT <u>Shelter Island Boatyard, 2330 Shelter Island Dr., San Diego, CA 92106</u>	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Weiss & Jones
Attn: Philip Weiss, Esq.
1551 Shelter Island Drive
San Diego, CA 92106

Number of process to be served with this Form - 285

Number of parties to be served in this case

Check for service on U.S.A.

2007 OCT 1

REC

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please seize, take into custody and post compliance / arrest documents on the Defendant vessel, MY SUNDANCE Official No. 521498, a Hatteras motor yacht of approx. 33 feet in length and 12 feet in beam, where she lies at Shelter Island Boatyard, as instructed by Court Order as soon as possible. Please contact Bill Roberts or Roy Hobbs, managers at 619-222-0481, in advance to advise of date and time of seizure. Thank you,

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

619-225-8884

10-16-07

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <u>1</u>	District of Origin <u>98</u>	District to Serve <u>98</u>	Signature of Authorized USMS Deputy or Clerk <u>W Scott</u>	Date <u>10/29/07</u>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service <u>11/8/07</u>	Time <u>10:20</u> am
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Signature of U.S. Marshal or Deputy

W. Scott

Service Fee <u>\$45</u>	Total Mileage Charges (including endeavors) <u>5.30</u>	Forwarding Fee	Total Charges <u>\$50.38</u>	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

ORIGINAL

1 WEISS & JONES
Philip E. Weiss, Esq. (No. 152523)
2 1551 Shelter Island Drive
San Diego, California 92106
3 Telephone: (619) 225-8884
Facsimile: (619) 225-8801

RECEIVED

2007 NOV -6 P 4: 13

4 Attorney for Plaintiff
5 SHELTER ISLAND YACHTWAYS, LTD. U.S. MARSHAL
a California Limited Partnership, SOUTHERN DISTRICT OF
6 dba SHELTER ISLAND BOATYARD CALIFORNIA

7
8
9 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10
11 SHELTER ISLAND YACHTWAYS, LTD, a
12 California Limited Partnership, dba SHELTER
ISLAND BOATYARD,

13 Plaintiff,

14 v.

15 M/Y SUNDANCE, Official No. 521498, A
16 HATTARAS MOTORYACHT OF
17 APPROXIMATELY 33 FEET IN LENGTH
18 AND 12 FEET IN BEAM, AND ALL OF HER
19 ENGINES, TACKLE, ACCESSORIES,
EQUIPMENT, FURNISHINGS AND
APPURTENANCES, *in rem*,

20 Defendant.

'07 CV 2015 DMS WMC

Case No.

IN ADMIRALTY

WARRANT FOR ACTION IN REM

F.R.C.P. Supplemental Admiralty
Rules C and E.

46 U.S.C. Sections 30101-31343

21
22 TO THE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA:

23 WHEREAS a Verified Complaint has been filed in this Court in the above-entitled action
24 against the Defendant Vessel M/Y SUNDANCE, Official No. 521498, a Hattaras Motoryacht of
25 approximately 33 Feet in Length and 12 Feet in Beam, and all of her engines, tackle, accessories,
26 equipment, furnishings and appurtenances, etc. and all other necessities thereunto appertaining
27 and belonging (hereinafter "DEFENDANT VESSEL") upon admiralty and maritime lien claims
28 for trespass, breach of implied contract for necessities, fraud in the inducement and quantum meruit

WARRANT FOR ACTION IN REM

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Case No.

1 in the current amount of One Thousand Eight Hundred Dollars (\$1,800.00), plus \$66.00 per day for
2 lay day charges, plus prejudgment interest, punitive damages and costs of suit (including attorneys'
3 fees), for the reasons and causes therein stated and praying for process of warrant for the arrest of
4 said DEFENDANT VESSEL and appurtenances, and that all persons with an interest in the said
5 vessel and/or her appurtenances be cited to answer, and that the said vessel and her appurtenances
6 may for the causes in the said Complaint be condemned and sold to pay the demands of the Plaintiff.

7 YOU ARE HEREBY COMMANDED to attach the said DEFENDANT VESSEL and her
8 appurtenances, and to detain the same in your custody, or in the custody of an authorized substitute
9 custodian, until the further order of the Court respecting the same, and to give due notice to all
10 persons claiming the same or having anything to say why the same should not be condemned and
11 sold pursuant to the Prayer of the said Verified Complaint, that they must file their claim with the
12 Clerk of this Court within 10 days after execution of this process, or within such additional time as
13 may be allowed by the Court, and must serve their answers within 20 days after the filing of their
14 claims.

15 YOU ARE FURTHER COMMANDED to file this process in this Court with your return
16 thereon promptly after execution thereof, and mail a copy thereof to the attorney at whose request
17 the execution was effected.

18 DATED: ^{November} ~~October~~ 6, 2007

UNITED STATES DISTRICT COURT CLERK

19
20 By: 

Deputy Clerk

21
22 Respectfully submitted on October 17, 2007 by:

23 WEISS & JONES

24
25 By: 

Philip E. Weiss, Esq.
Attorney for Plaintiff

26 SHELTER ISLAND YACHTWAYS, LTD,
27 a California Limited Partnership,
28 dba SHELTER ISLAND BOATYARD